

AMENDED IN SENATE APRIL 29, 2002

AMENDED IN SENATE APRIL 2, 2002

**SENATE BILL**

**No. 1290**

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**Introduced by Senator Haynes**

January 17, 2002

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An act to add Section 2242.5 to the Business and Professions Code, relating to psychotropic drugs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1290, as amended, Haynes. Psychotropic drugs: prescriptions for children.

Existing law, the Medical Practice Act, regulates the practice of medicine in this state, including the prescribing, dispensing, or furnishing of dangerous drugs by a physician and surgeon. Existing law provides that a violation of certain provisions of the Medical Practice Act constitutes unprofessional conduct.

This bill would require a physician and surgeon to obtain a ~~properly signed-informed~~ consent form from a child's parent or legal guardian before prescribing, dispensing, or furnishing a psychotropic drug *primarily used to treat Attention Deficit/Hyperactivity Disorder* to a child ~~for the treatment of a behavioral disorder~~. *The bill would require the physician and surgeon to inform the child's parent or legal guardian of their right to accept or reject the use of the psychotropic drug.* The bill would require ~~the informed~~ a signed consent form to include information ~~from the latest version of the Physicians Desk Reference prepared by the State Department of Mental Health~~ concerning adverse effects of the psychotropic drug.

*The bill would authorize a physician and surgeon to prescribe, furnish, or dispense a psychotropic drug to a child who is a ward of the juvenile court pursuant to a judge's order. The bill would provide that a violation of these provisions would constitute unprofessional conduct.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2242.5 is added to the Business and  
2 Professions Code, to read:

3 ~~2242.5. (a) Before prescribing, dispensing, or furnishing a~~  
4 ~~psychotropic drug, as defined in Section 3500 of the Penal Code,~~  
5 ~~to a child for the treatment of a behavioral disorder, a physician and~~  
6 ~~surgeon shall obtain a properly signed informed consent form~~  
7 ~~from the child's parent or legal guardian. The informed consent~~  
8 ~~form shall include information from the latest version of the~~  
9 ~~Physicians Desk Reference concerning adverse effects of the~~  
10 ~~psychotropic drug.~~

11 ~~(b) A violation of subdivision (a) constitutes unprofessional~~  
12 ~~conduct and is not subject to Section 2314.~~

13 2242.5. (a) Except as otherwise provided by law, before  
14 prescribing, dispensing, or furnishing a psychotropic drug that is  
15 used primarily for treatment of Attention Deficit/Hyperactivity  
16 Disorder and is classified as a Schedule II drug, a treating  
17 physician and surgeon shall inform the child's parents or legal  
18 guardian of the parents' or legal guardian's right to accept or  
19 refuse these medications. In order to make an informed decision,  
20 the parent or legal guardian of the child shall be provided with  
21 sufficient information by the physician and surgeon prescribing  
22 these medications in the parent's or legal guardian's native  
23 language, if possible, which shall include the following:

24 (1) The nature of the child's mental condition.

25 (2) The reasons for taking the medication, including the  
26 likelihood of improving or not improving without the medication,  
27 and that consent, once given, may be withdrawn at any time by  
28 stating that intention to any member of the treating staff.

29 (3) The reasonable alternative treatments, if any.

1     (4) *The type, range of frequency, and amount, including use of*  
2 *PRN orders, method (oral or injection), and duration of taking the*  
3 *medications.*

4     (5) *The probable side effects of these drugs known to commonly*  
5 *occur, and any particular side effects likely to occur with the*  
6 *particular child.*

7     (6) *The possible additional side effects which may occur to the*  
8 *child if the medication is taken beyond three months, as well as*  
9 *other, immediate side effects.*

10    *The State Department of Mental Health shall develop and*  
11 *promulgate written materials on the effects of these medications*  
12 *that address the probable effects and the possible side effects of the*  
13 *medication.*

14    (b) *The treating physician and surgeon shall obtain a signed*  
15 *consent form from the child's parent or legal guardian, except as*  
16 *described in subdivision (d), setting forth the information required*  
17 *in subdivision (a), before prescribing, dispensing, or furnishing*  
18 *these medications.*

19    (c) *A violation of subdivision (a) or (b) constitutes*  
20 *unprofessional conduct but is not subject to Section 2314.*

21    (d) *Notwithstanding subdivisions (a) and (b), a physician and*  
22 *surgeon may prescribe, dispense, or furnish a psychotropic drug*  
23 *to a child who has been judged a dependent or ward of the juvenile*  
24 *court, pursuant to a judge's order as provided in Section 369.5 of*  
25 *the Welfare and Institutions Code.*

